

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

Katie Louise Hoeveler, M.D.)

Physician's and Surgeon's)

Certificate No. A 96212)

Respondent.)

Case No. 800-2017-036882

**DENIAL BY OPERATION OF LAW
PETITION FOR RECONSIDERATION**

No action having been taken on the petition for reconsideration, filed by Katie Louise Hoeveler, M.D., and the time for action having expired at 5 p.m. on April 2, 2018, the petition is deemed denied by operation of law.

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:)

Katie Louise Hoeveler, M.D.)

Physician's and Surgeon's)
Certificate No. A 96212)

Petitioner)

MBC No. 800-2017-036882

ORDER GRANTING STAY

(Government Code Section 11521)

Katie Louise Hoeveler, M.D. has filed a Request for Stay of execution of the Decision in this matter with an effective date of March 23, 2018, at 5:00 p.m..

Execution is stayed until April 2, 2018 at 5:00 p.m.

This stay is granted solely for the purpose of allowing the Board time to consider the Petition for Reconsideration.

DATED: March 22, 2018


Kimberly Kirchmeyer
Executive Director
Medical Board of California

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KATIE LOUISE HOEVELER, M.D.
7254 SHORELINE DRIVE #132
SAN DIEGO, CA 92122

PHYSICIAN'S AND SURGEON'S CERTIFICATE NO. A96212

RESPONDENT.

Case No. 800-2017-036882

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

On November 15, 2017, an employee of the Medical Board of California (Board) sent by certified mail a copy of Accusation No. 800-2017-036882, Statement to Respondent, Notice of Defense in blank, copies of the relevant sections of the California Administrative Procedure Act as required by sections 11503 and 11505 of the Government Code, and a request for discovery, to Katie Louise Hoeveler, M.D. (Respondent) at her address of record with the Board, 7254 Shoreline Drive #132, San Diego, CA 92122, as well as an address in Pennsylvania, 632 Argyle Road, Wynnewood, PA 19096. The United States Post Office tracking service shows that delivery was unsuccessful. (Accusation package, proof of service, USPS printout, Exhibit Package, Exhibit 1¹).

There was no response to the Accusation. On January 12, 2018, an employee of the Attorney General's Office sent by certified mail, addressed to Respondent at her address of record and to the Pennsylvania address, a courtesy Notice of Default, advising Respondent of the service Accusation, and providing her with an opportunity to file a Notice of Defense and request relief from default. The package sent to the address of record was returned marked "Return to Sender Vacant Unable to Forward"; the USPS tracking for the package sent to the Pennsylvania address showed that it was unclaimed. (Exhibit Package, Exhibit 2, Notice of Default, proof of service, return receipts).

¹ The evidence in support of this Default Decision and Order is submitted herewith as the "Exhibit Package."

1 Respondent has not responded to service of the Accusation or the Notice of Default. She
2 has not filed a Notice of Defense. As a result, Respondent has waived her right to a hearing on
3 the merits to contest the allegations contained in the Accusation.

4 FINDINGS OF FACT

5 I.

6 Kimberly Kirchmeyer is the Executive Director of the Board. The charges and allegations
7 in the Accusation were at all times brought and made solely in the official capacity of the Board's
8 Executive Director.

9 II.

10 On June 30, 2006, Physician's and Surgeon's Certificate No. A96212 was issued by the
11 Board to Katie Louise Hoeveler, M.D. The certificate is delinquent, having expired on March 31,
12 2016. (Exhibit Package, Exhibit 3, license certification).

13 III.

14 On November 15, 2017, Respondent was duly served with an Accusation, alleging causes
15 for discipline against Respondent. A courtesy Notice of Default was thereafter served on
16 Respondent. Respondent failed to file a Notice of Defense.

17 IV.

18 The allegations of the Accusation are true as follows:

19 On July 24, 2017, the Pennsylvania State Board of Medicine issued a Consent Agreement
20 and Order regarding Respondent's license to practice medicine in Pennsylvania. The Consent
21 Agreement and Order includes factual stipulations that on January 9, 2017 a criminal complaint
22 charged Respondent with driving under the influence of alcohol or controlled substances.
23 Laboratory tests confirmed a blood alcohol content of .0178%, and the presence of both
24 benzodiazepine and non-benzodiazepine sedatives and an antipsychotic drug. Respondent
25 initially declined to submit to an evaluation by the Pennsylvania Professional Health Monitoring
26 Program (PHMP), but subsequently acknowledged that she suffers from an impairment and
27 elected to participate in the PHMP. The Pennsylvania Board concluded that Respondent was
28

1 unable to safely practice by reason of illness, addiction to drugs or alcohol, or mental
2 incompetence. Respondent's Pennsylvania license was indefinitely suspended for no less than
3 three years. The suspension was stayed, and Respondent was placed on probation. Terms and
4 conditions of the Pennsylvania probation include participation in the PHMP, Respondent shall not
5 practice medicine until cleared to do so by the PHMP, Respondent must undergo evaluations as
6 requested, attend a support group, abstain from drugs and alcohol, submit to biological fluid
7 testing, and have a practice monitor. (A copy of the Consent Agreement and Order issued by the
8 Pennsylvania State Board of Medicine is attached to the Accusation, Exhibit Package, Exhibit 1).

9 DETERMINATION OF ISSUES

10 I.

11 Pursuant to the foregoing Findings of Fact, Respondent's conduct and the action of the
12 Pennsylvania State Board of Medicine constitute unprofessional conduct and cause for discipline
13 within the meaning of Business and Professions Code sections 2305 and 141(a).

14 DISCIPLINARY ORDER

15 Physician's and Surgeon's certificate No. A96212 issued to Katie Louise Hoeveler, M.D.
16 is hereby **REVOKED**.

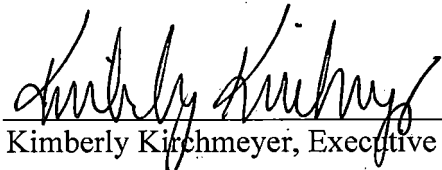
17 Respondent shall not be deprived of making a request for relief from default as set forth in
18 Government Code section 11520(c) for good cause shown. However, such showing must be
19 made in writing by way of a motion to vacate the default decision and directed to the Medical
20 Board of California at 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815 within seven
21 (7) days of the service of this Decision.

22 This Decision will become effective March 23, 2018, at 5:00 p.m.

23 It is so ordered on February 23, 2018.

24 MEDICAL BOARD OF CALIFORNIA
25 DEPARTMENT OF CONSUMER AFFAIRS
26 STATE OF CALIFORNIA

27 By


Kimberly Kirchmeyer, Executive Director

1 XAVIER BECERRA
Attorney General of California
2 JANE ZACK SIMON
Supervising Deputy Attorney General
3 State Bar No. 116564
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
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6 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *November 15 2017*
BY: R. Voong ANALYST

7 **BEFORE THE**
8 **MEDICAL BOARD OF CALIFORNIA**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 800-2017-036882

11 **KATIE LOUISE HOEVELER, M.D.**
12 7254 Shoreline Drive #132
San Diego, CA 92122

A C C U S A T I O N

13 Physician's and Surgeon's Certificate
14 No. A96212

Respondent.

15
16 The Complainant alleges:

17 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
18 of California, Department of Consumer Affairs, and brings this Accusation solely in her official
19 capacity.

20 2. On June 30, 2006, Physician's and Surgeon's Certificate No. A96212 was issued by
21 the Medical Board of California to Katie Louise Hoeveler, M.D. (Respondent). The certificate is
22 in delinquent status, having expired on March 31, 2016.

23 **JURISDICTION**

24 3. This Accusation is brought before the Medical Board of California (Board) under the
25 authority of the following sections of the California Business and Professions Code (Code) and/or
26 other relevant statutory enactment:
27
28

1 A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a
2 period not to exceed one year, or place on probation, the license of any licensee who has
3 been found guilty under the Medical Practice Act, and may recover the costs of probation
4 monitoring.

5 B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other
6 discipline, restriction or limitation imposed by another state upon a license to practice
7 medicine issued by that state, or the revocation, suspension, or restriction of the authority
8 to practice medicine by any agency of the federal government, that would have been
9 grounds for discipline in California under the Medical Practice Act, constitutes grounds for
10 discipline for unprofessional conduct.

11 C. Section 141 of the Code provides:

12 “(a) For any licensee holding a license issued by a board under the
13 jurisdiction of a department, a disciplinary action taken by another state, by any
14 agency of the federal government, or by another country for any act
15 substantially related to the practice regulated by the California license, may be
16 a ground for disciplinary action by the respective state licensing board. A
certified copy of the record of the disciplinary action taken against the licensee
by another state, an agency of the federal government, or by another country
shall be conclusive evidence of the events related therein.

17 “(b) Nothing in this section shall preclude a board from applying a
18 specific statutory provision in the licensing act administered by the board that
19 provides for discipline based upon a disciplinary action taken against the
licensee by another state, an agency of the federal government, or another
country.”

20 **FIRST CAUSE FOR DISCIPLINE**

21 (Discipline, Restriction, or Limitation Imposed by Another State)

22 4. On July 24, 2017, the Pennsylvania State Board of Medicine issued a Consent
23 Agreement and Order regarding Respondent’s license to practice medicine in Pennsylvania. The
24 Consent Agreement and Order includes factual stipulations that on January 9, 2017 a criminal
25 complaint charged Respondent with driving under the influence of alcohol or controlled
26 substances. Laboratory tests confirmed a blood alcohol content of .0178%, and the presence of
27 both benzodiazepine and non-benzodiazepine sedatives and an antipsychotic drug. Respondent
28 initially declined to submit to an evaluation by the Pennsylvania Professional Health Monitoring

1 Program (PHMP), but subsequently acknowledged that she suffers from an impairment and
2 elected to participate in the PHMP. The Pennsylvania Board concluded that Respondent is unable
3 to safely practice by reason of illness, addiction to drugs or alcohol, or mental incompetence.
4 Respondent's Pennsylvania license was indefinitely suspended for no less than three years. The
5 suspension was stayed, and Respondent was placed on probation. Terms and conditions of the
6 Pennsylvania probation include participation in the PHMP, Respondent shall not practice
7 medicine until cleared to do so by the PHMP, Respondent must undergo evaluations as requested,
8 attend a support group, abstain from drugs and alcohol, submit to biological fluid testing, and
9 have a practice monitor. A copy of the Consent Agreement and Order issued by the Pennsylvania
10 State Board of Medicine is attached as Exhibit A.

11 5. Respondent's conduct and the action of the Pennsylvania State Board of Medicine, as
12 set forth in paragraph 4, above, constitutes cause for discipline pursuant to sections 2305 and/or
13 141 of the Code.


14 **PRAYER**

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Physician's and Surgeon's Certificate Number A96212
18 issued to Respondent Katie Louise Hoeveler, M.D.;
- 19 2. Revoking, suspending or denying approval of Respondent's authority to supervise
20 physician assistants and advanced practice nurses;
- 21 3. Ordering Respondent, if placed on probation, to pay the costs of probation
22 monitoring; and
- 23 4. Taking such other and further action as the Board deems necessary and proper.

24 DATED:

25 November 15, 2017

26 
27 **KIMBERLY KIRCHMEYER**
28 Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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41873989.docx

Exhibit A



Commonwealth of Pennsylvania
Department of State
Bureau of Professional and Occupational Affairs
STATE BOARD OF MEDICINE
P.O. BOX 2649
HARRISBURG, PA 17105-2649

Telephone: 717-783-1400
717-787-2381

Fax: 717-787-7769
www.dos.state.pa.us

October 2, 2017

TO WHOM IT MAY CONCERN:

RE: KATIE LOUISE HOEVELER, M.D.
DOB: [REDACTED]
SS#: [REDACTED]

As custodian of the records of the State Board of Medicine, I certify that the enclosed document is a copy of action taken by the Board issued in the matter of KATIE LOUISE HOEVELER, M.D. and is a true and correct copy of the original on file in the Board office.

Sincerely,

Suzanne Zerbe

Suzanne Zerbe, Administrator
Chief, Physician/Podiatrist Unit

(SEAL)

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROTHONOTARY

2017 JUL 25 AM 11:31

Department of State

Commonwealth of Pennsylvania,
Bureau of Professional and Occupational
Affairs

vs.

Katie Louise Hoeveler, M.D.,
Respondent.

File No.: 17-49-05037

Docket No.: 1330

49-17

CONSENT AGREEMENT AND ORDER

PARTIES

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs ("Commonwealth") and Katie Louise Hoeveler, M.D. ("Respondent") stipulate as follows in settlement of the above-captioned case.

APPLICABLE LAW

1. This matter is before the State Board of Medicine ("Board") pursuant to the Medical Practice Act, Act of December 20, 1985, P.L. 457, No. 112, ("Act"), as amended, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error ("Mcare") Act, Act of March 20, 2002, P.L. 154, No. 13, as amended, 40 P.S. §§ 1303.101-1303.910; the Criminal History Record Information Act, Act of July 16, 1979, P.L. 116, No. 47, as amended ("CHRIA"), 18 Pa. C.S. §§ 9101 - 9183; and/or the Act of July 2, 1993, P.L. 345, No. 48 ("ACT 48"), as amended, 63 P.S. §§ 2201-2207.

LICENSURE STATUS

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD448326,

which was originally issued on April 10, 2013, and which is currently set to expire on December 31, 2018.

STIPULATED FACTS

3. Respondent admits that the following allegations are true:

a. Absent further Board action, Respondent's license may be continually renewed, reactivated, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's address on file with the Board is: 632 Argyle Road, Wynnewood, PA 19096.

c. Respondent last practiced in Montgomery County, Pennsylvania.

d. On or about January 9, 2017, in the matter of Commonwealth of Pennsylvania vs. Katie Hoeveler, Docket No. CR-9-17, in Magisterial District Court No. 38-2-04, a Criminal Complaint and Affidavit of Probable Cause was filed wherein Respondent was charged with One Count of Driving Under the Influence of Alcohol or Controlled Substance in violation of the Vehicle Code at 75 Pa. C.S. §302(A)(1), a Misdemeanor; One Count of Driving Under the Influence of Alcohol .16% or Higher in violation of the Vehicle Code at 75 Pa.C.S. §3802(c), a Misdemeanor; One Count of Driving Under the Influence of Controlled Substance, in violation of the Vehicle Code at 75 Pa.C.S. §3802(D)(3), a Misdemeanor; One Count of Careless Driving in violation of the Vehicle Code at 75 Pa. C.S. §3714 (A), a Summary Offense and Operating a Vehicle Without Required Financial Responsibility in violation of the Vehicle Code at 75 Pa. C.S. §1786(F), a Summary Offense.

e. The Affidavit of Probable Cause stated that Respondent blood samples were tested and revealed the presence of a BAC of .0178g/100ml; Clonazepam 8.0 ng/mL; 7-Amino Clonazepam 12 ng/mL; Quetiapine 94 ng/mL and Zolpidem 230 ng/mL.

f. On or about March 7, 2017, the Voluntary Recovery Program (VRP) of the Professional Health Monitoring Program (PHMP) offered the Respondent an opportunity to submit to a current evaluation to determine if she suffers from a condition that would make her eligible for VRP enrollment.

g. The Respondent declined to submit to an evaluation.

h. On or about May 3, 2017, a Criminal Information was filed in the Court of Common Pleas of Montgomery County, PA, Docket No. CP-46-CR-1346-2017, in the matter of the Commonwealth of Pennsylvania vs. Katie Hoeveler, charging the Respondent with One Count of Driving Under the Influence in violation of the Vehicle Act at 75 Pa. C.S. §3802A1, a Misdemeanor; One Count of Driving Under the Influence in violation of the Vehicle Code at 75 Pa. C.S. §3802A2, a Misdemeanor; One Count of Driving Under the Influence, Hight Rate, in violation of the Vehicle Code at 75 Pa.C.S. §3802 B, a Misdemeanor, One Count of Driving Under the Influence, Hightest Rate, in violation of the Vehicle Code at 75 Pa. C.S. §3802C, a Misdemeanor, One Count of Driving Under the Influence, Drugs and Alcohol Combination, in violation of the Vehicle Code at 75 Pa. C.S. §3802D3, a Misdemeanor and One Count of Driving Under the Influence, Unsafe Driving- Controlled Substance, in violation of the Vehicle Code at 75 Pa. C.S. §3802D2, a Misdemeanor ("Criminal Case").

- i. The Criminal Case is in "Active Status."
- j. Respondent has acknowledged that she suffers from an impairment and has decided to participate in the PHMP.

ALLEGED VIOLATION OF ACT

4. The Commonwealth alleges that, based upon the factual allegations in paragraph 3 above, the Board is authorized to suspend, revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; and/or impose a civil penalty upon Respondent under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(5), 63 P.S. § 422.41(5) because Respondent is unable to practice the profession with reasonable skill and safety to patients by reason of illness, addiction to drugs or alcohol, or mental incompetence.

PROPOSED ORDER

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

- a. The Board finds that it is authorized to suspend, revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; and/or impose a civil penalty upon Respondent under Sections 39 through 42 of the Act, 63 P.S. §§ 422.39-422.42, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4); and/or impose the costs of investigation upon Respondent under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(5), 63 P.S. § 422.41(5) because

Respondent is unable to practice the profession with reasonable skill and safety to patients by reason of illness, addiction to drugs or alcohol, or mental incompetence.

b. For purposes of this Agreement and Order, the terms "*practice*", "*practice of the profession*," and "*practice the profession*" shall include any and all activities requiring a license, registration, certificate, approval, authorization, or permit from the Board to perform. It also includes attendance at any educational program/course that includes a clinical practice component with patients and/or requires a current license to practice the profession.

c. Respondent's license, No.: MD448326, along with any other authorizations to practice the profession held by Respondent at the time this Agreement is adopted by the Board, shall be indefinitely **SUSPENDED** for no less than three (3) years, such suspension to be immediately **STAYED** in favor of no less than three (3) years of **PROBATION**, unless that period of probation is extended or modified for cause by mutual agreement of the Respondent and the Professional Health Monitoring Program ("PHMP"), Disciplinary Monitoring Unit ("DMU") case manager, said probation to be subject to the following terms and conditions::

GENERAL

(1) Within ten (10) days of the approval of this Agreement by the Board, Respondent shall contact the Bureau of Professional and Occupational Affairs, Professional Health Monitoring Programs

("PHMP"), Disciplinary Monitoring Unit ("DMU") to begin monitoring. PHMP's DMU contact information is:

Professional Health Monitoring Programs Disciplinary Monitoring Unit P.O. Box 10569 Harrisburg, PA 17105-0569 Tele (717)783-4857 or in PA (800)554-3428

(2) Respondent shall fully and completely comply and cooperate with the PHMP and its agents and employees in their monitoring of Respondent's impairment under this Agreement.

(3) Respondent shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Respondent holds an authorization to practice the profession. Summary traffic violations shall not constitute a violation of this Agreement; however, a violation of any conditions of a criminal probation and/or parole is a violation of this Agreement.

(4) Respondent shall at all times cooperate and comply with the PHMP and its agents and employees in the monitoring, supervision and investigation of Respondent's compliance with the terms and conditions of this Agreement. Respondent shall cooperate and comply with any requests for written reports, records or

verifications of actions that may be required by the PHMP; the requested shall be obtained and submitted at Respondent's expense.

(5) Respondent's failure to fully cooperate and comply with the PHMP shall be deemed a violation of this Agreement.

(6) Upon request of the PHMP case manager, Respondent shall enroll in a peer assistance program, when available, including, but not limited to, Physician's Health Program ("PHP"), Secundum Artem Reaching Pharmacists with Help ("SARPH"), and Pennsylvania Nurse Peer Assistance Program ("PNAP"), and shall fully and completely comply with all of the terms and conditions of Respondent's agreement with the peer assistance program. Respondent's failure to fully and completely comply with Respondent's agreement with the peer assistance program shall constitute a violation of this Agreement.

(7) Respondent shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Agreement.

(8) Respondent may not be absent from the Commonwealth of Pennsylvania for any period exceeding twenty (20) days unless Respondent seeks and receives prior written permission from the PHMP subject to any additional terms and conditions required by the PHMP.

(9) Respondent may not engage in the practice of the profession in any other state or jurisdiction without first obtaining written permission from the PHMP. Once written permission is granted by the PHMP, Respondent shall notify the licensing Board of the other state or jurisdiction that Respondent suffers from an impairment and is enrolled in the DMU prior to engaging in the practice of the profession in the other state or jurisdiction.

(10) In the event Respondent relocates to another jurisdiction, within five (5) days of relocating, Respondent shall either enroll in the other jurisdiction's impaired professional program and have the reports required under this Agreement sent to the Pennsylvania PHMP, or if the other jurisdiction has no impaired professional program, notify the licensing board of the other jurisdiction that Respondent is impaired and enrolled in this

Program. In the event Respondent fails to do so, in addition to being in violation of this Agreement, the periods of suspension and probation herein shall be tolled. It is a violation of this Agreement if Respondent violates and/or fails to fully and completely comply with the impaired professional program in another jurisdiction.

(11) Respondent shall notify the PHMP by telephone within forty-eight (48) hours and in writing within five (5) days of the filing of any criminal charges against Respondent; the final disposition of any criminal charges against Respondent; the

violation of any terms and conditions of a criminal probation or parole; the initiation of any legal action pertaining to Respondent's practice of the profession; the initiation of charges, action, restriction or limitation related to Respondent's practice of the profession by a professional licensing authority of any state or jurisdiction or the Drug Enforcement Agency of the United States Department of Justice; or any investigation, action, restriction or limitation related to Respondent's privileges to practice the profession at any health care facility.

(12) Respondent shall notify the PHMP by telephone within forty-eight (48) hours and in writing within five (5) days of any change of Respondent's home address, phone number, employment status, employer and/or change in practice at a health care facility. Failure to timely advise the PHMP under this subsection due to the PHMP office being closed is not an excuse for not leaving a voice mail message with this information.

(13) Respondent shall cease or limit Respondent's practice of the profession if the PHMP case manager directs that Respondent do so.

EVALUATION - TREATMENT

(14) As requested by the PHMP, Respondent shall have forwarded to the PHMP, a written mental and/or physical evaluation by a provider approved by the PHMP (hereinafter "treatment

provider") assessing Respondent's fitness to actively practice the profession. Unless otherwise directed by PHMP, the evaluation shall be forwarded to:

Professional Health Monitoring Programs Disciplinary Monitoring Unit P.O. Box 10569 Harrisburg, PA 17105-0569 Tele (717)783-4857 or in PA (800)554-3428

If the treatment provider determines that Respondent is not fit to practice, Respondent shall immediately cease practicing the profession and not practice until the treatment provider and the PHMP case manager determine that Respondent is fit to resume practice with reasonable skill and safety to patients.

(15) The evaluation described in the previous paragraph is in addition to any other evaluation already provided.

(16) Respondent shall provide copies of any prior evaluations and counseling records and a copy of this agreement to the treatment provider.

(17) Respondent shall authorize, in writing, the PHMP to receive and maintain copies of the written evaluation reports of the treatment provider(s).

(18) If a treatment provider recommends that Respondent obtain treatment, Respondent must fully comply with those recommendations as part of these probationary requirements.

(19) Respondent shall arrange and ensure that written treatment reports from all treatment providers approved by the PHMP are submitted to the PHMP upon request or at least every ninety (90) days after the effective date of this Agreement. The reports shall contain at least the following information:

(i) Verification that the treatment provider has received a copy of this Agreement and understands the conditions of this probation;

(ii) A treatment plan, if developed;

(iii) Progress reports, including information regarding compliance with the treatment plan;

(iv) Physical evaluations, if applicable;

(v) The results of any testing including any testing for therapeutic levels of prescribed medications when deemed appropriate by the treatment provider;

(vi) Modifications in treatment plan, if applicable;

(vii) Administration or prescription of any drugs to Respondent; and

(viii) Discharge summary and continuing care plan at discharge.

(ix) Any change in the treatment provider's assessment of the Respondent's fitness to actively practice the profession.

(20) Respondent shall identify a primary care physician who shall send written notification to the Respondent's PHMP case manager certifying Respondent's health status as requested.

SUPPORT GROUP ATTENDANCE

(21) Respondent shall attend and actively participate in any support group programs recommended by the treatment provider or the PHMP case manager at the frequency recommended by the treatment provider; however, Respondents with a chemical dependency or abuse diagnosis shall attend no less than twice a week.

(22) Respondent shall provide written verification of any and all support group attendance to the PHMP on at least a monthly basis or as otherwise directed by the PHMP.

ABSTENTION

(23) Respondent shall completely abstain from the use of controlled substances, caution legend (prescription) drugs, mood altering drugs or drugs of abuse including alcohol in any form, except under the following conditions:

(i) Respondent is a bona fide patient of a licensed health care practitioner who is aware of Respondent's impairment and participation in the PHMP;

(ii) Such medications are lawfully prescribed by Respondent's treating practitioner and approved by the PHMP case manager;

(iii) Upon receiving the medication, Respondent must provide to the PHMP, **within forty-eight (48) hours by telephone and within five (5) days in writing**, the name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication and a signed statement consenting to the release of medical information from the prescribing practitioner to the PHMP or its designated representative for the purpose of verification; and

(iv) Upon refilling a medication, Respondent must provide to the PHMP, **within forty-eight (48) hours by telephone and within five (5) days in writing**, the name of the practitioner prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication and a signed statement consenting to the release of medical information from the prescribing

practitioner to the PHMP or its designated representative for the purpose of verification.

DRUG TESTING

(24) Respondent shall submit to random unannounced and observed drug and alcohol tests (drug testing), inclusive of bodily fluid, breath analysis, hair analysis, or another procedure as selected by the PHMP, for the detection of substances prohibited under this Agreement as recommended by the treatment provider and as directed by the PHMP. A positive, adulterated or substituted result on a drug test shall constitute an irrefutable violation of this Agreement unless Respondent has complied with the provisions of this Agreement pertaining to the use of drugs. Failure to provide a specimen or a specimen of sufficient quantity for testing when requested will be considered a violation of this Agreement.

(25) Respondent shall avoid all foods that contain poppy seeds. Ingestion of poppy seeds will not be accepted as a valid explanation for a positive screen.

(26) Respondent shall avoid all substances containing alcohol, including alcohol in food or beverages, medications, chemical solutions, cleaning solutions, gasoline, hand sanitizers, or other skin preparations. Incidental use of alcohol will not be accepted as a valid explanation for a positive drug test unless Respondent has complied with the provisions of this Agreement

pertaining to the use of drugs as set forth in the Abstention Section above.

MONITORED PRACTICE

(27) Respondent shall not practice the profession unless a provider approved by the PHMP approves the practice in writing and the PHMP Case Manager gives written permission to practice.

(28) Respondent shall not work in any practice setting without workplace monitoring as required by the PHMP.

(29) Workplace monitoring shall require control and personal direction exercised by the monitor over the services provided by Respondent. Constant physical presence of the monitor is not required so long as the monitor and the Respondent are, or can easily be, in contact with one another by radio, telephone, or telecommunications. Monitoring requires the availability of the monitor to the Respondent. An appropriate degree of monitoring includes:

(i) Active and continuing overview of the Respondent's activities to determine that the monitor's directions are being implemented.

(ii) Immediate availability of the monitor to the Respondent for necessary consultations.

(iii) Personal and regular, on an at least weekly basis, review by the monitor of the patient records upon which entries are made by the Respondent.

(30) If Respondent is practicing or attending any educational program/course that includes a clinical practice component with patients and/or requires a current license to practice the profession, Respondent shall give any employer, supervisor, preceptor, or instructor (hereinafter referred to collectively as "supervisor") a copy of this Agreement within five (5) days of the effective date of this Agreement.

(31) Respondent shall give any prospective employer and supervisor a copy of this Agreement when applying for employment in the practice of the profession and to any prospective school/program when applying for any educational program/course that includes a clinical practice component with patients and/or requires a current license to practice the profession.

(32) Within five (5) days of the effective date of this Agreement, and by telephone within forty-eight (48) hours and in writing within five (5) days upon obtaining employment, or entering an educational program/course that includes a clinical practice component with patients and/or requires a current license to practice, Respondent shall provide the following to PHMP:

(i) Name and address of the supervisor responsible for Respondent's practice;

(ii) The name(s) and address(es) of the place(s) at which Respondent will practice the profession and a description of Respondent's duties and responsibilities at such places of practice; and

(iii) Any restrictions on Respondent's practice.

(33) Respondent shall ensure that Respondent's supervisor submits to the PHMP the following information in writing:

(i) Verification that the supervisor has received a copy of this Agreement and understand the conditions of this probation;

(ii) An evaluation of Respondent's work performance on a ninety (90) day or more frequent basis as requested by the PHMP; and

(iii) Immediate notification of any suspected violation of this probation by Respondent.

REPORTING/RELEASES

(34) Respondent, Respondent's treatment providers, supervisors, employers or other persons required to submit reports under this Agreement shall cause such reports, data or other

information to be filed with the PHMP, unless otherwise directed,

at:

Professional Health Monitoring Programs Disciplinary Monitoring Unit P.O. Box 10569 Harrisburg, PA 17105-0569 Tele (717)783-4857 or in PA (800)554-3428

(35) Respondent consents to the release by the PHMP of any information or data produced as a result of this probation, including written treatment provider evaluations, to any treatment provider, supervisor, Commonwealth's attorney, hearing examiner and Board members in the administration and enforcement of this Agreement.

(36) Respondent shall sign any required waivers or release forms requested by the PHMP for any and all records, including medical or other health related and psychological records, pertaining to treatment and monitoring rendered to Respondent during this probation and any corresponding criminal probation, and any employment, personnel, peer review or review records pertaining to Respondent's practice of the profession during this probation to be released to the PHMP, the Commonwealth's attorney, hearing examiner and Board members in the administration and enforcement of this Agreement.

COSTS

(37) Respondent shall be responsible for all costs incurred in complying with the terms of this Agreement, including but not limited to psychiatric or psychotherapy treatments, and reproduction of treatment or other records. Respondent shall pay the costs for any drug testing and any subsequent reanalysis of specimens required by the PHMP. Failure of Respondent to pay any of these costs in a timely manner shall constitute a violation of this Agreement.

BUREAU/PHMP EVALUATIONS

(38) Upon request of the PHMP, Respondent shall submit to mental or physical evaluations, examinations or interviews by a treatment provider approved by the PHMP or the PHMP. Respondent's failure to submit to such an examination, evaluation or interview when directed shall constitute a violation of this Agreement.

VIOLATION OF THIS ORDER

d. Notification of a violation of the terms or conditions of this Agreement shall result in the **IMMEDIATE VACATING** of the stay order, **TERMINATION** of the period of probation, and **ACTIVATION** of the suspension in paragraph 5.c above of Respondent's authorizations to practice the profession in the Commonwealth of Pennsylvania as follows:

(1) The prosecuting attorney for the Commonwealth shall present to the Board's Probable Cause Screening Committee

("Committee") a Petition that indicates Respondent has violated any terms or conditions of this Agreement.

(2) Upon a probable cause determination by the Committee that Respondent has violated any of the terms or conditions of this Agreement, the Committee shall, without holding a formal hearing, issue a preliminary order vacating the stay of the within suspension, terminating this probation and activating the suspension of Respondent's authorization(s) to practice the profession.

(3) Respondent shall be notified of the Committee's preliminary order within three (3) business days of its issuance by certified mail and first class mail, postage prepaid, sent to the Respondent's last registered address on file with the Board, or by personal service if necessary.

(4) Within twenty (20) days of mailing of the preliminary order, Respondent may submit a written answer to the Commonwealth's Petition and request that a formal hearing be held concerning Respondent's violation of probation, in which Respondent may seek relief from the preliminary order activating the suspension. The answer shall be set forth in numbered paragraphs corresponding to the numbered paragraphs of the Petition. Respondent shall admit or deny each of the allegations set forth in the paragraphs in the Petition. Respondent shall mail

the original answer and request for hearing, as well as all subsequent filings in the matter, to:

Prothonotary 2601 North Third Street P.O. Box 2649 Harrisburg, PA 17105-2649

Respondent shall also mail a copy of all filings to the prosecuting attorney for the Commonwealth.

(5) If the Respondent submits a timely answer and request for a formal hearing, the Board or a designated hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Prothonotary's receipt of Respondent's request for a formal hearing.

(6) Respondent's submission of a timely answer and request for a hearing shall not stay the suspension of Respondent's license under the preliminary order. The suspension shall remain in effect unless the Board or the hearing examiner issues an order after the formal hearing staying the suspension again and reactivating the probation.

(7) The facts and averments in this Agreement shall be deemed admitted and uncontested at this hearing.

(8) If the Board or hearing examiner after the formal hearing makes a determination against Respondent, a final order will be

issued sustaining the suspension of Respondent's license and imposing any additional disciplinary measures deemed appropriate.

(9) If Respondent fails to timely file an answer and request for a hearing, the Board, upon motion of the prosecuting attorney, shall issue a final order affirming the suspension of Respondent's license.

(10) If Respondent does not make a timely answer and request for a formal hearing and a final order affirming the suspension is issued, or the Board or the hearing examiner makes a determination against Respondent sustaining the suspension of Respondent's license, after at least **three (3)** years of active suspension and any additional imposed discipline, Respondent may petition the Board for reinstatement based upon an affirmative showing that Respondent has at least **thirty-six (36)** months of sustained documented recovery, an evaluation by a treatment provider approved by the PHMP that Respondent is fit to safely practice the profession, and verification that Respondent has abided by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of the profession in this Commonwealth.

(11) If the Board issues a Preliminary Order terminating the stay of the suspension and actively suspending Respondent's

license to practice the profession in accordance with the procedure set forth above, Respondent shall immediately cease the practice of the profession. Respondent shall continue to comply with all of the terms and conditions of probation in this Consent Agreement and Order during the active suspension until the Board issues a Final Order. Continued failure by Respondent to comply with the unaffected terms and conditions of probation while awaiting the issuance of a Final Order by the Board may result in further disciplinary action against Respondent.

c. Respondent's failure to fully comply with any terms of this Agreement may also constitute grounds for additional disciplinary action.

f. Nothing in this Agreement shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Agreement.

COMPLETION OF PROBATION

g. After successful completion of the minimum period of probation, Respondent may petition the Board, upon a form provided by the PHMP, to reinstate Respondent's authorizations to practice the profession to unrestricted, non-probationary status upon an affirmative showing that Respondent has complied with all terms and conditions of this Agreement and that Respondent's resumption of unsupervised practice does not present a threat to the public health and safety. Respondent is required to remain in compliance with all terms and conditions

of this Agreement until the Board issues the order terminating Respondent's probationary status.

h. This Order constitutes disciplinary action by the Board and shall be reported to other licensing authorities and any applicable national licensing databank as a disciplinary action by the Board.

i. This case shall be deemed settled and discontinued upon the Board issuing an Order adopting this Consent Agreement and, if applicable, Respondent's successful completion of any ordered Probation and/or Remedial Education terms.

ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced by the Board in the future, this Consent Agreement and Order shall be admitted into evidence without objection in that proceeding.

ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING

7. Respondent waives the filing and receipt of an Order to Show Cause in this matter. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.

WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS

8. Respondent expressly waives any constitutional rights and issues, such as commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may arise or have

arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for the limited purpose of recommending a sanction, based on those assumed facts, that would be acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at hearing unless otherwise separately stipulated. This paragraph is binding on the participants even if the Board does not approve this Consent Agreement.

NO MODIFICATION OF ORDER

9. Respondent agrees, as a condition of entering into this Agreement, not to seek modification of it at a later date without first obtaining the express written concurrence of the Prosecution Division of the Department of State.

AGREEMENT NOT BINDING ON OTHER PARTIES

10. The Office of General Counsel has approved this Consent Agreement as to form and legality; however, this Consent Agreement shall have no legal effect unless and until the Board issues the stipulated Order.

EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT

11. Should the Board not approve this Agreement, presentation to and consideration of it by the Board shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. This paragraph is binding on the participants even if the Board does not approve this Agreement.

ACKNOWLEDGMENT OF RIGHT TO ATTORNEY

12. Respondent acknowledges that she is aware that she has the right to consult with, and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent knowingly, voluntarily, intelligently and freely waives the right to be represented by an attorney in the negotiation and settlement of this matter by this Agreement.

ENTIRE AGREEMENT

13. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

AGREEMENT DOES NOT PRECLUDE DISCIPLINE FOR OTHER VIOLATIONS

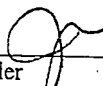
14. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Consent Agreement;

EFFECTIVE UPON BOARD APPROVAL

15. This Agreement shall take effect immediately upon its approval and adoption by the Board.

VERIFICATION OF FACTS AND STATEMENTS


16. Respondent verifies that the facts and statements set forth in this Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.



Joan J. Miller
Prosecuting Attorney

DATED:

7/7/17



Katie Louise Hoeveler, M.D.
Respondent

DATED:

6/27/17

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania,
Bureau of Professional and Occupational
Affairs

vs.

Katie Louise Hoeveler, M.D.,
Respondent.

File No.: 17-49-05037

Docket No.:

-49-17


ORDER

AND NOW, this 24th day of July, 2017, the State Board of Medicine
approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5
above, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

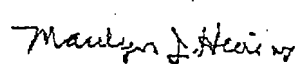

Ian J. Harlow
Commissioner

For the Commonwealth:

For Respondent:

Date of Mailing:

STATE BOARD OF MEDICINE


Marilyn J. Heine, M.D.
Chair

Joan J. Miller
Prosecuting Attorney
Department of State
P. O. Box 69521
Harrisburg, PA 17106-9521

Katie Louise Hoeveler, M.D.
632 Argyle Road
Wynnewood, PA 19096

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